

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER MIELO and SARAH)	
HEINZL, individually and on behalf of all)	
others similarly situated,)	
Plaintiffs,)	
)	
vs)	Civil Action No. 2:15-cv-180
)	
STEAK 'N SHAKE OPERATIONS,)	
INC.,)	
Defendant.)	

ORDER

On July 15, 2019, Plaintiffs' counsel notified the Court (ECF No. 123) that a settlement in principle had been reached between Plaintiff Sarah Heinzl and Defendant, Steak 'N Shake Operations, Inc. only. Thereafter, on July 19, 2019, counsel for Plaintiffs filed a motion to withdraw as counsel for Plaintiff Christopher Mielo. (ECF No. 125). Mr. Mielo was ordered to respond to this motion by August 5, 2019 but failed to do so. On August 13, 2019, the Court entered an order granting counsel's motion to withdraw as to Plaintiff Mielo. Since then, no substitute counsel has entered an appearance on his behalf and Plaintiff Mielo has not filed any pleadings with the Court.

On September 4, 2019, an order was entered (ECF No. 128) directing Mr. Mielo to notify the Court by no later than September 16, 2019 whether he intended to continue with the prosecution of this case and advising him that the failure to provide such notice may result in the dismissal of his claim. Mr. Mielo failed to notify the Court or respond in any way to this order.

Therefore, the claims of Plaintiff Christopher Mielo are dismissed without prejudice for failure to prosecute.

SO ORDERED this 23rd day of September, 2019.

s/Patricia L. Dodge
PATRICIA L. DODGE
United States Magistrate Judge

cc: Christopher Mielo
127 Fenwick Drive
Pittsburgh, PA 15235